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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

ST CYR, DANIEL

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,958

Applicant(s)

LUDTKE, HAROLD A. 

Examiner

Daniel St.Cyr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Objections

1. Claims 1, 9, 21, 26, 27, and 28 are objected to because of the following informalities:

Claim 1, line I, "the" should be changed to --a-- and line 5 "said" should be changed to --an--.

Claim 9, line 3, delete "a".

Claims 21, lines 3 and 6 "the" before "location" should be changed to --a--.

Claim 26, lines 6 and 7, change "its" to --the product--.

Claims 27 and 28, line 2, change "its" to --the product--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-19 and 21-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Woolley et al, US Patent No. 5,804,810.

Woolley et al, discloses a communication system with electronic tags comprising: an asset management system 10 includes a collection of assets 12, individual assets (respectively identified as 12.sub.1, 12.sub.2, . . . 12.sub.n) each having an asset tag (respectively identified as 16.sub.1, 16.sub.2, . . . 16.sub.n) linked to a remote operations center 13 and a local computer 14. The operations center and computer both store and process information relating to

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the assets. A remote user employs the operations center to access the information, while a local user queries the computer. A local monitoring device 15 is linked to both the collection of assets and the operations center, and provides a mobile, portable interface for the local user. The monitoring device 15 includes a personal digital assistant (PDA) 270 coupled to a communications controller 272 by an interface 274. The interface includes a helper tag (a boot) 20' connecting an asset tag 16 to the PDA. A second helper tag (a holster) 20" in the interface provides a link between the communications controller and the asset tag. The user interface allows an operator to access information that has been stored in the memory by the system. The operator also uses the interface to cause the processor to execute stored functions. (see figures 1-4; col. 16 and col.25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al, US Patent No. 6,199,753 in view of Woolley et al. The teachings of Woolley et al have been discussed above.

Tracy et al disclose a method and system for presenting item information using portable data terminal comprising: a portable device 100 and display means for display electronic coupons to the customers.

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Tracy et al fails to disclose that the portable device broadcast a first signal identifying a plurality of items.

Woolly et al disclose these limitation above.

In view of Woolley et al's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to employ the portable device of Woolley et al in lieu of the portable device of Tracy et al into the system of Tracy et al so that the customer could identify the products location. Such modification would enhance the system performance by allowing the customer to pin point every specific product and their location, which would expedite the shopping process to better satisfy customer' shopping experience. Furthermore, such modification would enable the electronic coupons to stored into the portable device, which would eliminate the need to download the coupons from a remote device. Therefore, it would have been an obvious extension as taught by Tracy et al.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnsen, US patent No. 5,250,789, disclose a shopping cart. Cesar et al, US patent No. 5,673,037, disclose a system and method for radio frequency tag group select. Heinrich et al, US Patent no. 5,942,987, disclose a radio frequency identification system with write broadcast capability. Sloane et al, US patent No. 6,434,530, disclose an interactive shopping system with mobile apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

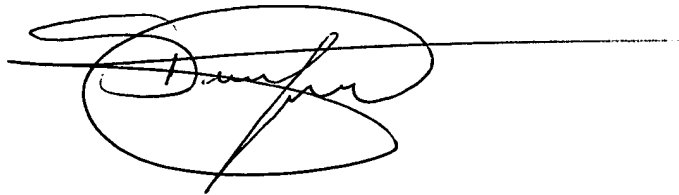
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr
Examiner
Art Unit 2876

DS
October 1, 2002

A handwritten signature in black ink, appearing to read "Daniel St. Cyr", is written over a horizontal line. The signature is enclosed within a large, loopy oval shape.